

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
04/29/2002

04/24/2002

CLERK OF THE COURT
FORM V000A

HONORABLE KENNETH L. FIELDS

D. Whitford
Deputy

CV 1999-012260

FILED: _____

HEATHER M ADAMS CARDENAS

RICHARD A BLACK

v.

CUSHMAN & WAKEFIELD OF ARIZONA
INC, et al.

WILLIAM W DRURY
J SCOTT CONLON

**JURY TRIAL
DAY SIX**

9:30 a.m. Trial to a jury continues from April 23, 2002.
Plaintiff Heather Adams is present with counsel Richard Black.
Defendant Montgomery Kone, Inc. is represented by counsel William
Drury and J. Scott Conlon.

Court reporter, Sandy Ong-Wolf, is present.

Defendant's counsel advises the Court that the non-parties
at fault are:

- Cushman & Wakefield
- Schindler Elevator Corporation
- American Express

Defendant's oral Motion to Strike the Affidavits of Brad
Gailey and Randy Mountz is argued to the Court.

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Counsel for Plaintiff offers Exhibits 79 and 80 into evidence.

IT IS ORDERED denying Defendant's Motion to Strike the Affidavits of Brad Gailey and Randy Mountz.

Discussion ensues as to how Plaintiff's counsel may refer to the affidavits of Brad Gailey and Randy Mountz during his closing statements.

Plaintiff's counsel requests a limiting instruction re: the affidavits of Brad Gailey and Randy Mountz (Plaintiff's Exhibits 79 and 80).

IT IS ORDERED denying the request. Plaintiff's Exhibits 79 and 80 are not received in evidence.

9:40 a.m. The jury is present.

Defendant's case continues.

Ronald Creak testifies further.

Plaintiff's Exhibit 41 is received in evidence.

Plaintiff's Exhibit 149 is marked for identification.

Defendant's Exhibit 150 is marked for identification.

10:15 a.m. The jury is excused from the courtroom. Court and counsel remain to discuss legal issues.

10:25 a.m. Court stands at recess.

Defendant's Exhibit 151 is marked for identification.

10:40 a.m. Court reconvenes with respective counsel and Plaintiff present.

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Court reporter, Sandy Ong-Wolf, is present.

Plaintiff's counsel makes an offer of proof re: TS switch.

10:42 a.m. The jury is present.

Ronald Creak testifies further.

LET THE RECORD REFLECT that the Court has received two jury questions. Same are discussed among Court and counsel and asked of the witness.

FILED: Jury Questions (2)

Ronald Creak is excused.

Capers McGrier is sworn and testifies.

Capers McGrier is excused.

Gregg Spero is sworn and testifies.

Gregg Spero is excused.

12:00 p.m. Court stands at recess until 1:15 p.m.

1:15 p.m. Court reconvenes with respective counsel and Plaintiff present.

Court reporter, Sandy Ong-Wolf, is present.

Plaintiff's counsel offers Exhibits 79 and 80 (Affidavits of Brad Gailey and Randy Mountz) again.

IT IS ORDERED denying Plaintiff's second request that Plaintiff's Exhibits 79 and 80 be received in evidence.

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1:20 p.m. The jury is present.

Richard A. Slack is sworn and testifies.

Defendant's Exhibit 148 is received in evidence.

Defendant's Exhibit 40 is received in evidence.

With the exception of offering exhibits into evidence,
Defendant rests.

Rebuttal:

Heather Adams testifies further.

2:30 p.m. The jury is excused until **April 25, 2002 at 9:30
a.m.**

Court and counsel remain to discuss legal matters.

Defense counsel offers exhibit 44 in evidence.

Defendant's Exhibit 44 is received in evidence.

Defense counsel offers exhibit 76 in evidence.

Defense counsel offers exhibit 93 in evidence.

Defense counsel offers exhibit 98 in evidence.

Defense counsel offers exhibit 125 in evidence.

Defendant's Exhibit 125 is received in evidence.

Defense counsel offers exhibit 127 in evidence.

Defense counsel offers exhibit 142 in evidence.

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Defendant's Exhibit 142 is received in evidence.

Defense counsel offers exhibit 144 in evidence.

Defense counsel offers exhibit 133 in evidence.

Defense counsel offers exhibit 151 in evidence.

Defendant's Exhibit 151 is received in evidence.

Defense counsel offers exhibit 152 in evidence.

Defendant's Exhibit 152 is received in evidence.

Plaintiff's counsel offers exhibit 146 in evidence.

Plaintiff's Exhibit 146 is received in evidence.

Plaintiff's counsel offers exhibit 139 in evidence.

Plaintiff's Exhibit 139 is received in evidence.

Plaintiff's counsel offers exhibit 27 in evidence.

Pursuant to stipulation, all nine jurors will deliberate.
The verdict will be based on a majority of 7 out of 9.

Defendant's counsel moves to strike all medical bills.

IT IS ORDERED denying Defendant's Motion to Strike all
Medical Bills.

Defendant's counsel moves for a directed verdict.

IT IS ORDERED denying defendant's Motion for a Directed
Verdict.

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Defendant's counsel renews his Motion for a Directed Verdict
Re: Liability.

IT IS ORDERED denying Defendant's Motion for a Directed
Verdict Re: Liability.

2:45 p.m. Court stands at recess.

Verdicts and Instructions are settled.

3:30 p.m. Court reconvenes with respective counsel and
Plaintiff present.

Court reporter, Sandy Ong-Wolf, is present.

Counsel make a record requested re: proposed jury
instructions.

4:00 p.m. Court stands at recess until **April 25, 2002 at
9:30 a.m.**